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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,332	11/20/2000	John R. Josephson	OSU1159-074D	5020

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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/717,332	Applicant(s) JOSEPHSON ET AL.	
	Examiner Joseph P. Hirl	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-8,10-14,16-20,25-29,31,33-36,39,42,43,45-50,52-54,56,59,60,63-67,70-85 and 87-91.

Continuation of Disposition of Claims: Claims objected to are 1-8,10-14,16-20,25-29,31,33-36,39,42,43,45-50,52-54,56,59,60,63-67,70-85 and 87-91.

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered May 14, 2004 for the patent application 09/717,332 filed on November 20, 2000.
2. All prior office actions are fully incorporated into this office action by reference.

Status of Claims

3. Claims 1-8, 10, 12, 14, 16-19, 25, 26-29, 31, 33-36, 39, 42, 43, 45, 46, 50, 52-54, 56, 59, 60, 63-67, 70-85 and 87-91 are amended. Claims 9, 15, 21-24, 30, 32, 37, 38, 40, 41, 44, 51, 55, 57, 58, 61, 62, 68, 69, and 86 are cancelled. Claims 1-8, 10-14, 16-20, 25-29, 31, 33-36, 39, 42, 43, 45-50, 52-54, 56, 59, 60, 63-67, 70-85, and 87-91 are pending.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re*

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Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

5. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

6. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 18, 36, 54, 72 and 89 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 15 and 25 of U.S. Patent No. 6,771,293. Although the conflicting claims are not identical, they are not patentably distinct from each other because a seeker, filter and viewer related to candidate selection represents a plurality of design candidates, filtering such candidates and presenting in the form of scatterplots wherein the genus is anticipated by the species. Other combinations represent similar conditions.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-8, 10-14, 16-20, 25-29, 31, 33-36, 39, 42, 43, 45-50, 52-54, 56, 59, 60, 63-67, 70-85, and 87-91 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

11. Claims 1-91 are rejected under 35 U.S.C. 102(e) as being anticipated by Amado (U.S. Patent 5,701,400, referred to as **Amado**).

Claims 1, 72

Amado anticipates a seeker for producing a plurality of evaluated candidates wherein each of a plurality of candidates is evaluated according to a

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plurality of evaluation criteria; (**Amado**, col 31, lines 14-21); a filter for producing a set of filtered candidates from evaluated candidates by comparing each candidate to other candidates according to at least two evaluation criteria and using a form of dominance to exclude from said subset of evaluated candidates each candidate that is inferior to other candidate; (**Amado**, col 31, lines 22-26; col 6, lines 5-37 Examiner's Note (EN); filtering is selection which can be done by classifying, clustering, rules, etc.); and a viewer for displaying said filtered in a plurality of linked scatterplots wherein each axis of each scatterplot represents an evaluation criterion of said filtered candidates (**Amado**, col 2, lines 13-19; col 16, lines 57-65; EN: it is axiomatic that the axis of each scatterplot represents an evaluation criterion for if it did not, the subject matter would be null).

Claim 2

Amado anticipates seeker provides said plurality of candidates by retrieving a plurality of evaluated candidates from a database (**Amado**, col 31, lines 22-26).

Claims 3, 39, 56, 75

Amado anticipates seeker produces said plurality of candidates by generating a plurality of evaluated candidates using combinations of components from a device library (**Amado**, col 31, lines 22-26; EN: Devices in a library equates to data stored in a database; sets of items are combinations).

Claims 4, 25, 76

Amado anticipates device library further comprises encoded components, component behaviors, and composition schemes (**Amado**, col 32, lines 18-31;

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EN: Data, "...diagnosis, planning, design and process control..." are equivalent; all data in a computer implementation is encoded).

Claims 5, 26, 77

Amado anticipates components are encoded using a functional and compositional modeling language (**Amado**, col 10, lines 14-34; EN: The software used by KADS Tool which is a high end CASE tool is functional and compositional as represented by the KADS Tool models; software is encoding).

Claims 6, 27, 42, 59, 78

Amado anticipates seeker enables composition of a device without reference to a specific environment (**Amado**, col 31, lines 14-26; EN: test processing engine runs independent of the database).

Claims 7, 28, 43, 60, 79

Amado anticipates seeker enables composition of a deployed device environment (**Amado**, col 31, lines 14-26; EN: test processing engine runs independent of the database)

Claims 8, 29, 80

Amado anticipates seeker produces evaluated candidates using a functional and compositional modeling language capable of enabling simulations of behaviors or characteristics of candidates to answer a plurality of questions in order to evaluate said candidates according to said plurality of evaluation criteria (**Amado**, col 10, lines 14-34; ; col 32, lines 4-5; EN: Models provide simulation).

Claims 10, 31, 46, 63

Amado anticipates seeker uses distributed computation to evaluate said plurality of candidates (**Amado**, Fig.1).

Claims 11, 47, 65, 82

Amado anticipates filter is selected from the group consisting of classical dominance filter, strict dominance. filter, superstrict dominance filter, selective superstrict dominance filter, discernible difference dominance filter, two-pass tolerance filter, and onionskin filter (**Amado**, col 15, lines 17-53; EN: Rough sets classify and hence are equivalent to filtering; Applicant's various filters are the equivalent of classification rules for classifying into two or more categories wherein a specific filter name is not novel).

Claims 12, 33, 48, 66, 83

Amado anticipates said filter uses a tolerance dominance method to produce said subset of filtered candidates (**Amado**, col 15, lines 17-53; EN: Rough sets classify and hence are equivalent to filtering; Applicant's various filters are the equivalent of classification rules for classifying into two or more categories wherein a specific filter name is not novel).

Claims 13, 20, 49, 67, 84

Amado anticipates viewer is adapted to use a multi-attribute display (**Amado**, col 2, lines 13-19).

Claims 14, 50, 85

Amado anticipates said viewer displays trade-offs among elements of filtered candidates and enables narrowing of said subset of filtered candidates.

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(**Amado**, col 16, lines 57-65; EN: DVT has a full graphics package which would include x-y plots and scatterplots, accommodating narrowing by viewing).

Claims 16, 34, 52, 70, 87

Amado anticipates plurality of candidates comprises designs for hybrid electric vehicles (**Amado**, col 17, lines 40-59; col 32, lines 4-18; col 31, lines 37-42; EN: Amado has a broad application and there isn't any feature in the design for hybrid electric vehicles that is novel to Amado).

Claims 17, 35, 53, 71, 88

Amado anticipates said plurality of candidates is selected from the group consisting of candidates for a design task, candidates for planning. task, candidates for a purchasing task, candidates for alternative hypotheses, candidates for investment, and candidates for an investment portfolio (**Amado**, col 17, lines 40-59; EN: Amado includes business applications).

Claim 18

Amado anticipates a seeker for producing a plurality of evaluated candidates by generating said plurality of candidates according to templates using combinations of components from a library and wherein each of a plurality of candidates is evaluated according to a plurality of evaluation criteria (**Amado**, col 16, lines 20-29; col 31, lines 14-26); and a filter for producing a set of filtered candidates from said evaluated candidates by comparing each candidate to other candidates to exclude at least one evaluated (**Amado**, col 31, lines 22-26; col 6, lines 5-37); and a viewer for displaying said filtered candidates in a plurality of linker scatterplots wherein each axis of each scatterplot represents an evaluation

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criterion of said filtered candidates (**Amado**, col 2, lines 13-19; col 16, lines 57-65; col 31, lines 38-42; EN: it is axiomatic that the axis of each scatterplot represents an evaluation criterion for if it did not, the subject matter would be null).

Claim 19

Amado anticipates a viewer enables narrowing of said subset of candidates (**Amado**, col 2, lines 13-19).

Claim 36

Amado anticipates a seeker for producing a plurality of evaluated candidates wherein each of a plurality of candidates is composed using a functional and compositional modeling language and evaluated according to a plurality of evaluation criteria (**Amado**, col 10, lines 14-34; col 31, lines 14-26; EN: The software used by KADS Tool which is a high end CASE tool is functional and compositional as represented by the KADS Tool models; software is encoding); filter for producing a set of filtered candidates, wherein said filter compares candidates and uses at least two evaluation criteria to exclude evaluated candidates according to said evaluation (**Amado**, col 31, lines 22-26; col 6, lines 5-37); and a viewer for displaying said filtered candidates in a scatteredplot wherein each axis of said scatterplot represents an evaluation criterion of said candidates (**Amado**, col 2, lines 13-19; col 31, lines 38-42; EN: it is axiomatic that the axis of each scatterplot represents an evaluation criterion for if it did not, the subject matter would be null).

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Claim 45

Amado anticipates said functional and compositional modeling language is capable of enabling simulations of behaviors or characteristics of candidates to answer a plurality of questions in order to evaluate said candidates according to said plurality of evaluation criteria (**Amado**, col 10, lines 14-34; col 31, lines 14-26; EN: The software used by KADS Tool which is a high end CASE tool is functional and compositional as represented by the KADS Tool models; modeling is simulation)

Claim 54

Amado anticipates providing a plurality of evaluated candidates wherein each of a plurality of candidates is composed using a functional and compositional modeling language capable of enabling simulations of behaviors or characteristics of candidates to answer a plurality of questions in order to evaluate said candidates according to a plurality of evaluation criteria (**Amado**, col 10, lines 14-34; col 31, lines 14-26; EN: The software used by KADS Tool which is a high end CASE tool is functional and compositional as represented by the KADS Tool models; modeling is simulation); displaying said evaluated candidates in a plurality of linked scatterplots wherein each axis of each scatterplot represents an evaluation criteria of said candidates for comparison of subsets for further (**Amado**, col 2, lines 13-19; col 16, lines 57-65; col 31, lines 38-42; EN: scatterplots are merely generic graphs with a multitude of values represented as dots; linked scatterplots merely mean that some of the data of plot A is contained in Plot B; it is axiomatic that the axis of each scatterplot

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represents an evaluation criterion for if it did not, the subject matter would be null).

Claim 64

Amado anticipates producing a set of filtered candidates from said plurality of evaluated candidates (**Amado**, col 32, lines 6-7).

Claim 73

Amado anticipates producing evaluated candidates includes the step of retrieving said plurality of candidates from a database (**Amado**, col 32, lines 4-5).

Claim 74

Amado anticipates said plurality of candidates using a seeker (**Amado**, col 32, lines 4-5).

Claim 81

Amado anticipates the step of asking questions about plurality of candidates and receiving answers to them from said functional and compositional modeling language simulators (**Amado**, col 10, lines 14-34; EN: models provide answers).

Claim 89

Amado anticipates producing a plurality of evaluated candidates wherein a plurality of candidates is composed using a functional and compositional modeling language and evaluated according to a plurality of evaluation criteria (**Amado**, col 10, lines 14-34; col 31, lines 14-26; EN: The software used by KADS Tool which is a high end CASE tool is functional and compositional as represented by the KADS Tool models; software is encoding); filtering said

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plurality of evaluated candidates to produce a set of filtered candidates wherein said filtering compares each candidate to other candidates according to at least two evaluation criteria to exclude from said evaluated candidates each candidate that is inferior to any other candidate (**Amado**, col 31, lines 14-26; col 6, lines 5-37); displaying on a screen linked scatterplots wherein each axis of each scatterplot represents an evaluation criterion of said filtered candidates and that show a distribution of candidates along each evaluation criterion for a decision problem (**Amado**, col 2, lines 13-19; EN: scatterplots are merely generic graphs with a multitude of values represented as dots; linked scatterplots merely mean that some of the data of plot A is contained in Plot B; it is axiomatic that the axis of each scatterplot represents an evaluation criterion for if it did not, the subject matter would be null).

Claim 90

Amado anticipates comprising the step of selecting candidates using an interactive graphical user interface (**Amado**, col 31, lines 38-42; Figs. 27-64).

Claim 91

Amado anticipates the step of performing intersections of sets of selected candidates (**Amado**, col 31, lines 38-42; col 6, lines 5-37; EN: Intersections relate to commonality or synchronization among classifications or clustering).

Examination Considerations

12. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

13. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

14. Examiner's Opinion

Paras 12. and 13. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Response to Arguments

15. Applicant's arguments filed on May 14, 2004 related to Claims 1-8, 10-14, 16-20, 25-29, 31, 33-36, 39, 42, 43, 45-50, 52-54, 56, 59, 60, 63-67, 70-85, and 87-91 have been fully considered but are not persuasive.

In reference to Applicant's argument:

Applicant respectfully submits that Amado teaches if-then-else tests as suggested by the Examiner but does not explain or even suggest how such if-then-else tests may be used to evaluate a plurality of candidates according to evaluation criteria in order to produce a set of evaluated candidates. Evaluating candidates according to evaluation criteria may be accomplished using design critics. Applicant respectfully submits that various programming constructs may be used to implement a software component to perform candidate evaluation as taught by Applicant. However, knowledge of widely used programming constructs, including Amado's teachings with respect to if-then-else tests, is not sufficient to implement a software component to perform candidate evaluation as taught by Applicant because there is no teaching in the reference related to application of an evaluation criterion (i.e., an aspect or performance attribute of a candidate) in order to produce evaluated candidates. Amado simply teaches selecting items from a database based on various selection criteria. There is no indication that items are evaluated according to evaluation criteria to produce a set of evaluated candidates. Selecting items from a database is not producing evaluated candidates as taught by Applicant. Applicant respectfully submits that Amado fails to teach or even suggest application of an evaluation criterion that relates to an aspect or performance attribute of candidates in order to produce evaluated candidates, and therefore, does not anticipate claims 1, 18, 36, 54, 72, and 89.

Examiner's response:

Para 14 applies. From the title of the Amado prior art, the related teaching are clear: "Method And Apparatus For Applying If-Then-Else Rules To Data Sets In A Relational Data Base And Generating From The Results Of Application Of Said Data Sets A Data Base Of Diagnostics Linked To Said Data Sets To Aid Executive Analysis Of Financial Data. Further, and considering the conditional "IFF" method, Amado @ c 6, line 22 applies to the evaluation criterion. Amado

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@ c 6, lines 5-37 identifies an evaluation approach to produce evaluated candidates.

In reference to Applicant's argument:

With respect to claim 54, it is the Examiner's position Amado provides a plurality of candidates composed using a functional and compositional modeling language and evaluated according to a plurality of evaluation criteria based on Amado's teachings regarding the KADS tool. Applicant has amended claim 54 to indicate that the functional and compositional modeling language of the present invention enables simulations of candidate behaviors or characteristics to answer a plurality of questions in order to evaluate candidates according to a plurality of evaluation criteria. Applicant respectfully submits that the KADS tool of Amado does not teach or even suggest simulations of candidate behaviors or characteristics to answer questions and therefore, cannot support the present rejections.

Examiner's response:

Para 14 applies. Amado @ c 10, l 17-18 " ... models cycles of complex activities..." or simulation for decision making systems.

In reference to Applicant's argument:

It is the Examiner's position that Amado teaches filtering based on a set of if-then-else test rules in which dominance is performed by "if" criteria such that candidates that do not satisfy the "if" considerations are excluded. Applicant respectfully submits that knowledge of widely used programming constructs, including Amado's teachings with respect to if-then-else tests, is not sufficient to implement a software component to perform filtering as taught by Applicant because there is no teaching related to the conditions that are applicable to filtering in which candidates are compared to each other based one two or more evaluation criteria.

Examiner's response:

Para 14 applies. Amado @ c 6, l 5-37, candidate fuzzy set A is compared to candidate fuzzy set B. Filtering is merely the process of separating or regional mapping.

In reference to Applicant's argument:

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Filtering according to the present invention is comparison-based and produces a different set of acceptable design candidates. The only candidates that remain in the set are those that represent "trade-offs" such that none of the remaining candidates are superior to the others in every respect. Applicant respectfully submits that the teachings of "if-then-else" tests in Amado do not even suggest comparing each candidate with other candidates according to at least two evaluation criteria in order to exclude candidates. There is no indication in Amado that items are excluded from further consideration (e.g., removed from the database) because they are dominated as explained above.

Examiner's response:

Para 14 applies. Amado @ c 6, l 5-37, candidate fuzzy set A is compared to candidate fuzzy set B. A different set of acceptable design candidates results from the fuzzy logic transformation. Dominance implies commonality and exclusion takes place with the intersection of sets.

In reference to Applicant's argument:

It is the Examiner's position a scatterplot is nothing more than multiple values related to a particular entity and that linking is merely including data of plot A on plot B. Applicant has amended claims 1, 18, 36, 54, 72, and 89 to indicate that scatterplots according to the present invention are used to examine filtered candidates and have axes that represent evaluation criteria. Applicant respectfully submits that because the Amado reference does not teach or even suggest producing a set of evaluated candidates and filtering candidates based on evaluation criteria, it also does not teach or even suggest viewing filtered candidates using scatter plots that have axes representing evaluation criteria.

Examiner's response:

Para 14 applies. Amado @ c 16, l 57-65 cites the capabilities of the Database Visualization Tool to include a plurality of graphics. It is axiomatic that the axis represents evaluation criteria short of which the point of interest would not have existed.,

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Conclusion

16. Claims 1-8, 10-14, 16-20, 25-29, 31, 33-36, 39, 42, 43, 45-50, 52-54, 56, 59, 60, 63-67, 70-85, and 87-91 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (703) 308-3179.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of

"Proposed" or "Draft" for the desk of the Examiner).

Joseph P. Hirl

August 4, 2004